

City of Carmel

Common Council

**April 17, 2006
6:00 P.M.**

COMMON COUNCIL MEETING AGENDA

MONDAY, APRIL 17, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
 - a. March 6, 2006 Regular Meeting
 - b. March 7, 2006 Special Meeting of the Carmel City Council and The Carmel-Clay School Board
 - c. March 20, 2006 Regular Meeting
 - d. March 24, 2006 Special Meeting
 - e. March 27, 2006 Special Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
 - Payroll
 - General Claims
 - Retirement
9. COMMITTEE REPORTS
 - a. Finance, Administration and Rules Committee
 - b. Land Use, Annexation and Economic Development Committee
 - c. Parks, Recreation and Arts Committee
 - d. Utilities, Transportation and Public Safety Committee

10. OLD BUSINESS

- a. **Third Reading of Ordinance D-1798-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Issuance of the City of Carmel, Indiana Taxable Economic Development Revenue Bonds, Series 2006 A (Indiana Design Center, LLC Project), and the Lending of the Proceeds Thereof to Indiana Design Center, LLC, and Authorizing and Approving Other Actions in Respect Thereto (\$4,000,000); Sponsor(s): Councilor(s) Kirby and Sharp.
- b. **Third Reading of Ordinance D-1799-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects); Sponsor(s): Councilor(s) Glaser and Sharp.
- c. **Second Reading of Ordinance D-1801-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Acceptance of Utility Payments Made by Credit Card (Water and Sewer Payments by Credit Card); Sponsor: Councilor Carter.

11. PUBLIC HEARINGS

- a. **First Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian); Sponsor: Councilor Glaser.
- b. **First Reading of Ordinance Z-488-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Schedule of Uses of the Carmel Zoning Ordinance (Appendix A); Sponsor: Councilor Glaser.

12. NEW BUSINESS

- a. **First Reading of Ordinance D-1802-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-62 of the Carmel City Code (Procedure For Use of City Credit Cards); Sponsor: Councilor Mayo.
- b. **First Reading of Ordinance D-1804-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 4, Section 6-66 of the Carmel City Code (Use of Skateboards and Similar Wheeled Toy Vehicles); Sponsor: Councilor Carter.

13. **OTHER BUSINESS**

- a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

1
2
3 COMMON COUNCIL
4 MEETING MINUTES

5 MONDAY, MARCH 6, 2006 – 6:00 P.M.

6 COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE
7

8 **MEMBERS PRESENT:**
9

10 Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D.
11 Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-
12 Treasurer Lois Fine.
13

14 Councilors Ronald E. Carter and Mark Rattermann were absent.
15

16 Mayor Brainard called the meeting to order at 6:00 p.m.
17

18 Pastor Richard Clark, Central Christian Church of Carmel, pronounced the Invocation.
19

20 Mayor Brainard led the Pledge of Allegiance.
21

22 **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:**
23

24 Mayor Brainard introduced Nancy Chance, Good Samaritan Network. Ms. Chance presented an award to
25 the Carmel Fire Department, Carmel FOP and Carmel Financial for their help to those less fortunate
26 within our community.
27

28 **APPROVAL OF MINUTES:**
29

30 Councilor Mayo made a motion to approve the Minutes of the February 20, 2006 Regular Meeting.
31 Councilor Glaser seconded. Council President Sharp called for the question. The Minutes were approved
32 4-1 (Councilor Griffiths abstained).
33

34 **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**
35

36 James Alred, 2519 Pleasant Way, Indianapolis, IN., discussed the Monon Trail (attachment 1).
37

38 **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**
39

40 Councilor Griffiths thanked the Carmel Fire Department and Public Safety Officials who responded to his
41 residence last week.
42
43
44

1 **ACTION ON MAYORAL VETOES:**

2
3 There were none.

4
5 **CLAIMS:**

6
7 Councilor Mayo made a motion to approve the claims in the amount of \$2,937,760.80. Councilor Glaser
8 seconded. Councilor Glaser questioned the check on page 7 to CSO Schenkel Shultz for \$20,541.46.
9 Councilor Glaser wanted to know if this amount included two plane tickets for Mr. Oliver and his wife
10 from London to Carmel. Clerk-Treasurer Diana L. Cordray confirmed that the tickets were included.
11 There was brief Council discussion. Councilor Glaser asked for the claim in the amount of \$20,451.46 be
12 withdrawn from the claim run for review. Councilor Mayo made a motion to amend his motion to
13 approve claims in the amount of \$2,937,760.80 to \$2,917,219.34. Councilor Griffiths seconded. There
14 was no Council discussion. Council President Sharp called for the question. Claims were approved 5-0.

15
16 **COMMITTEE REPORTS:**

17
18 Council President Sharp reported that the Finance, Administration and Rules Committee had not met.

19
20 Council President Sharp reported that the Land Use, Annexation and Economic Development Committee
21 had not met.

22
23 Council President Sharp reported that the Parks, Recreation and Arts Committee had not met.

24
25 Council President Sharp reported that the Utilities, Transportation and Public Safety Committee had not
26 met.

27
28 **OLD BUSINESS**

29
30 Council President Sharp announced the **Third Reading of Ordinance Z-485-05, As Amended**; An
31 Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the
32 Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations). Council President
33 Sharp referred to Mike Hollibaugh, Director, Department of Community Services, to present this item to
34 Council. Councilor Mayo made a motion to approve Ordinance Z-485-05, As Amended. Councilor
35 Griffiths seconded. There was brief Council discussion. Council President Sharp called for the question.
36 **Ordinance Z-485-05, As Amended** was adopted 5-0.

37
38 **PUBLIC HEARINGS**

39
40 Council President Sharp announced the **First Reading of Ordinance Z-487-06**; An Ordinance of the
41 Common Council of the City of Carmel, Indiana, Rezoning District Classification (30 Parcels along
42 Range Line Road from US 31 to just South of 136th Street). Councilor Glaser made a motion to move this
43 item into business. Councilor Griffiths seconded. Council President Sharp referred to Mike Hollibaugh,
44 Director, Department of Community Services, to present this item to Council. There was no Council
45 discussion. Council President Sharp opened the Public Hearing at 6:34 p.m. Seeing no one who wished
46 to speak, Council President Sharp closed the Public Hearing at 6:34:30 p.m. Council President Sharp
47 referred Ordinance Z-487-06 to the Land Use, Annexation and Economic Development Committee for
48 further review and consideration.

1 **NEW BUSINESS**

2
3 Council President Sharp announced the **First Reading of Ordinance D-1795-06**; An Ordinance of the
4 Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 4, Sections 8-37 of the
5 Carmel City Code (15-Minute Loading Zones). Councilor Mayo made a motion to move this item into
6 business. Councilor Glaser seconded. Council President Sharp passed the gavel to Councilor Glaser to
7 present this item to Council. There was brief Council discussion. Council President Sharp made a motion
8 to suspend the rules and not send this item to committee and vote this evening. Councilor Griffiths
9 seconded. Councilor Glaser called for the question. The motion was approved 5-0. Council President
10 Sharp moved to approve Ordinance D-1795-06. Councilor Griffiths seconded. Councilor Glaser called
11 for the question. **Ordinance D-1795-06** was adopted 5-0.
12

13 Council President Sharp reclaimed the gavel from Councilor Glaser.
14

15 Council President Sharp announced the **First Reading of Ordinance D-1798-06**; An Ordinance of the
16 Common Council of the City of Carmel, Indiana, Authorizing the Issuance of the City of Carmel, Indiana
17 Taxable Economic Development Revenue Bonds, Series 2006 A (Indiana Design Center, LLC Project),
18 and the Lending of the Proceeds Thereof to Indiana Design Center, LLC, and Authorizing and Approving
19 Other Actions in Respect Thereto (\$4,000,000). Councilor Mayo made a motion to move this item into
20 business. Councilor Griffiths seconded. Councilor Kirby presented this item to Council. Council
21 President Sharp referred to Les Olds, Executive Director, Carmel Redevelopment Commission, for
22 clarification of parking. There was brief Council discussion. Council President Sharp referred Ordinance
23 D-1798-06 to the Finance, Administration and Rules Committee for further review and consideration.
24

25 Council President Sharp announced the **First Reading of Ordinance D-1799-06**; An Ordinance of the
26 Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects
27 (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects). Councilor Glaser
28 made a motion to move this item into business. Councilor Griffiths seconded. Councilor Glaser
29 presented this item to Council. There was brief Council discussion. Council President Sharp referred
30 Ordinance D-1799-06 to the Finance, Administration and Rules Committee for further review and
31 consideration.
32

33 Council President Sharp passed the gavel to Councilor Glaser to address Council.
34

35 Council President Sharp made a motion to suspend the rules and Add-On Resolution CC-03-06-06-01 to
36 the agenda. Councilor Griffiths seconded. Councilor Glaser called for the question. The motion to Add-
37 On Resolution CC-03-06-06-01 to the agenda was approved 5-0.
38

39 Council President Sharp reclaimed the gavel from Councilor Glaser.
40

41 **OTHER BUSINESS**

42
43 a. Council Appointments
44

- 45 1. City of Carmel Cable TV Advisory Committee (Two year term, beginning April 1,
46 2006), one Council appointment, one Mayoral appointment. Councilor Griffiths made
47 a motion to re-appoint Councilor Mayo to the Committee. Councilor Glaser seconded.
48
49

1 There were no other nominations. Council President Sharp called for the question.
2 Councilor Mayo was elected to the City of Carmel Cable TV Advisory Committee by a
3 vote of 5-0. Mayor Brainard did not have a nomination for his appointment.
4

5 **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel,
6 Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED
7 12/19/05. This ordinance remains tabled.
8

9 **ADD-ON**

10
11 Council President Sharp announced Resolution CC-03-06-06-01; A Resolution of the Common Council
12 of the City of Carmel, Indiana, Regarding An Intergovernmental Transfer of Real Property (Northwest
13 Corner of City Center Drive and Rangeline Road – Parcel 4B and Parcel 11B); Sponsor: Councilor
14 Sharp. Councilor Griffiths made a motion to move this item into business. Councilor Mayo seconded.
15 Council President Sharp passed the gavel to Councilor Glaser to present this item to Council. Council
16 President Sharp referred to Les Olds, Executive Director, Carmel Redevelopment Commission, for
17 clarification to Council. There was brief Council discussion. Council President Sharp made a motion to
18 approve Resolution CC-03-06-06-01. Councilor Mayo seconded. Councilor Glaser called for the
19 question. **Resolution CC-03-06-06-01** was adopted 4-1 (Councilor Glaser opposed).
20

21 Council President Sharp reclaimed the gavel from Councilor Glaser.
22

23 **ANNOUNCEMENTS**

24
25 Council President informed Council there will be a Special Council Meeting on Monday, March 27, 2006
26 at 8:00 a.m. for claims only.
27

28 **EXECUTION OF DOCUMENTS**

29
30 Mayor Brainard adjourned the meeting at 6:47 p.m.
31

32 **ADJOURNMENT**

33
34 Respectfully submitted,
35

36
37 _____
38 Clerk-Treasurer Diana L. Cordray, IAMC
39

40 Approved,
41

42 _____
43 Mayor James Brainard
44

45 ATTEST:

46
47 _____
48 Clerk-Treasurer Diana L. Cordray, IAMC
49

50 03/06/06 CC Minutes

1 SPECIAL MEETING OF THE CARMEL CITY
2 COUNCIL
3 AND THE CARMEL-CLAY SCHOOL BOARD MEETING
4 MINUTES
5 TUESDAY, MARCH 7, 2006 – 7:00 P.M.
6 EDUCATIONAL SERVICES CENTER
7 5201 EAST 131ST STREET
8
9

10 The meeting was called to order at 7:00 p.m. by Carmel-Clay School Board President, Capi Scheidler.
11

12 The Pledge of Allegiance was led by Carmel Police Detective Phil Hobson.
13

14 Those in attendance from the Carmel-Clay School Board were: Capi Scheidler, President, Jeff Carter,
15 Vice President, Mark Hartman, Secretary, Joe Miller, Member, and Superintendent Dr. Barbara
16 Underwood.
17

18 Those in attendance from the Carmel City Common Council were: Richard L. Sharp, Fredrick J.
19 Glaser, Brian D. Mayo and Joseph C. Griffiths. Also in attendance were Clerk-Treasurer Diana L.
20 Cordray and Mayor James Brainard.
21

22 **Carmel's Build-Out Forecast**
23

24 Mike Hollibaugh, Director of the Department of Community Services, presented handouts on
25 Carmel's Build-Out. In 2005, there were 1,000 lots platted in Clay Township. The projection for
26 2006 is that 2,650 lots will be platted which includes the proposed 2,000 units in the Gramercy
27 development. Mr. Hollibaugh stated that the single family housing is losing momentum, but there is
28 an increase in townhomes and condominiums. The city has also been meeting with Earlham College
29 to discuss the development of Earlham Village located at 146th and River Road.
30

31 **Carmel Clay Schools Demographic Projections**
32

33 Dr. Barbara Underwood, Superintendent, presented handouts stating that in 2012 the
34 enrollment will level off, and in 2014 the enrollment begins to drop slightly.
35

36 Dr. Underwood also presented information illustrating that in 1998-99, 57 students spoke limited
37 English and in 2004-2005 it had risen to 194 students. The percent of reduced lunch students rose
38 from 2% in 1998-99 to 6% in 2005-2006.
39

40 **What's Right at Carmel Clay Schools**
41

42 Dr. Libbie Morgan Conner, Assistant Superintendent for Curriculum and Instruction, discussed the
43 Advanced Placement Tests. Dr. Conner also discussed that 90% of the students at Carmel take the
44 SAT.
45

1 Dr. Barbara Underwood stated that in 2005, 26 Carmel High School students were named as National
2 Merit Finalists. Also, Sports Illustrated named Carmel High School as the top athletic program in
3 the state of Indiana and #10 nationally.
4

5 **Student Resource Officer Program**
6

7 Major Luckie Carey discussed the Student Resource Officer Program. Detective Phil Hobson
8 discussed his role as the School Resource Officer at the High School. Major Luckie Carey introduced
9 Detective Kim Pratt, School Resource Officer for Clay Middle School, Detective Janet Urich, School
10 Resource Officer for Carmel Middle School and Detective Mike Pittman, School Resource Officer for
11 Creekside Middle School.
12

13 **Tax Increment Finance (TIF)**
14

15 Mr. Roger McMichael, Assistant Superintendent for Business Affairs, discussed the school
16 corporation budget and the impact of Tax Increment Finance.
17

18 **ADJOURNMENT**
19

20 President of Carmel Clay School Board, Capi Scheidler, adjourned the meeting at 8:10 p.m.
21
22
23

24 Respectfully submitted,
25
26

27 _____
28 Clerk-Treasurer Diana L. Cordray, IAMC
29

30 Approved,
31
32

33 _____
34 Mayor James Brainard
35

36 ATTEST:
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39 _____
40 Clerk-Treasurer Diana L. Cordray, IAMC
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COMMON COUNCIL MEETING MINUTES

MONDAY, MARCH 20, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Acting Council President Fredrick J. Glaser ,Council Members Brian D. Mayo, Joseph C. Griffiths, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Council President Richard L. Sharp and Councilor Kevin Kirby were absent.

Mayor Brainard called the meeting to order at 6:00 p.m.

Pastor Paul Swartz, King of Glory Lutheran Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

Mayor Brainard presented to Jeff Huffman, CEO and President of Janus Developmental Services, a Proclamation, March 2006 – Disability Awareness Month.

APPROVAL OF MINUTES:

Councilor Griffiths made a motion to approve the Minutes of the March 6, 2006 Regular Meeting. Councilor Mayo seconded. There was no Council discussion. Acting Council President Glaser called for the question. The motion failed 3-2 for lack of a majority (Councilors Carter and Rattermann abstained). The Minutes will be returned to the April 17, 2006 meeting.

Councilor Griffiths made a motion to approve the Minutes of the March 7, 2006 Special Meeting of the Carmel City Council and The Carmel-Clay School Board. Councilor Mayo seconded. Councilor Mayo made a motion to amend the Minutes to include additional verbiage from Mr. Roger McMichael, Assistant Superintendent for Business Affairs, regarding Tax Increment Financing, to read: *Mr. Roger McMichael was very much in favor of Carmel's redevelopment and the use of TIF as an economical tool.* Councilor Griffiths seconded. Acting Council President Glaser called for the question. The motion failed 3-2 for lack of a majority (Councilors Carter and Rattermann abstained). The Minutes will be returned to the April 17, 2006 meeting.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

There were none.

1 **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**

2
3 Councilor Griffiths discussed the seminar that was held at the Ritz Charles entitled Next Disaster – Can
4 Local Government Respond?

5
6 **ACTION ON MAYORAL VETOES:**

7
8 There were none.

9
10 **CLAIMS:**

11
12 Councilor Mayo made a motion to approve the claims in the amount of \$2,053,816.76. Councilor
13 Rattermann seconded. There was brief Council discussion. Acting Council President Glaser called for
14 the question. Claims were approved 5-0.

15
16 **COMMITTEE REPORTS:**

17
18 Councilor Rattermann reported that the Finance, Administration and Rules Committee did not meet
19 tonight for lack of a quorum.

20
21 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on
22 March 9, 2006 and discussed Ordinance Z-487-06 which was referred to the full Council with a 3-0
23 favorable recommendation.

24
25 Councilor Carter reported that the Parks, Recreation and Arts Committee met on March 14, 2006. Scott
26 Brewer, City Forrester, made a presentation regarding the emerald ash borer, an exotic insect pest of
27 North American ash trees. The committee also discussed the progress on Central Park and the Monon
28 Covenants. The next meeting will be Tuesday, April 11, 2006 at 3:00 p.m.

29
30 Acting Council President Glaser reported that the Utilities, Transportation and Public Safety Committee
31 had not met.

32
33 **OLD BUSINESS**

34
35 **Second Reading of Ordinance D-1798-06;** An Ordinance of the Common Council of the City of Carmel,
36 Indiana, Authorizing the Issuance of the City of Carmel, Indiana Taxable Economic Development
37 Revenue Bonds, Series 2006 A (Indiana Design Center, LLC Project), and the Lending of the Proceeds
38 Thereof to Indiana Design Center, LLC, and Authorizing and Approving Other Actions in Respect
39 Thereto (\$4,000,000). Councilor Rattermann reported that this item will remain in the Finance
40 Committee.

41
42 **Second Reading of Ordinance D-1799-06;** an Ordinance of the Common Council of the City of Carmel,
43 Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family
44 Bidding Restriction on Public Works Projects). Councilor Rattermann reported that this item will remain
45 in the Finance Committee.

Second Reading of Ordinance Z-487-06; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification (30 Parcels along Range Line Road from US 31 to just South of 136th Street). Councilor Rattermann presented this item to Council. There was no Council discussion. Acting Council President Glaser called for the question. **Ordinance Z-487-06** was adopted.

PUBLIC HEARINGS

There were none.

NEW BUSINESS

Acting Council President Glaser announced the **First Reading of Ordinance D-1800-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Enacting and Adopting A supplement to the code of Ordinances of the City of Carmel, Indiana (Fourth Quarter 2005 Codification). Councilor Carter moved to introduce this item into business. Councilor Rattermann seconded. Clerk-Treasurer Diana L. Cordray presented this item to Council. Councilor Mayo made a motion to suspend the rules and vote on this item this evening. Councilor Griffiths seconded. Acting Council President Glaser called for the question. The motion was approved 5-0. Acting Council President Glaser referred to City Attorney, Doug Haney, for verification that his office has reviewed the documents from American Legal Publishing. Acting Council President Glaser called for the question. **Ordinance D-1800-06** was adopted.

Acting Council President Glaser announced the **First Reading of Ordinance D-1801-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Acceptance of Utility Payments Made by Credit Card (Water and Sewer Payments by Credit Card). Councilor Griffiths moved to introduce this item into business. Councilor Mayo seconded. Councilor Carter presented this item to Council. There was brief Council discussion. Councilor Carter referred to John Duffy, Director, Utilities Department, for clarification. Acting Council President Glaser referred Ordinance D-1801-06 to the Finance, Administration and Rules Committee for further review and consideration.

OTHER BUSINESS

Council Appointments

City of Carmel Cable TV Advisory Committee – Mayor Brainard stated that the new telecommunication legislation may affect the cable committee.

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. **TABLED** 12/19/05. This ordinance remains tabled.

ANNOUNCEMENTS

Acting Council President Glaser reminded Council that the meeting on April 3, 2006 will be cancelled. There will be a Special Meeting Monday, March 27, 2006 at 8:00 a.m.

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EXECUTION OF DOCUMENTS

Mayor Brainard adjourned the meeting at 6:22 p.m.

ADJOURNMENT

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC

COMMON COUNCIL SPECIAL MEETING MINUTES

FRIDAY, MARCH 24, 2006 – 11:50 A.M.
COUNCIL CHAMBERS / CITY HALL / ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Councilor Kevin Kirby and Mark Rattermann were absent.

Mayor James Brainard called the meeting to order at 11:52 a.m.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$1,732,107.94. Councilor Sharp seconded. There was brief Council discussion. Mayor Brainard called for the question. Claims were approved 5-0.

EXECUTION OF DOCUMENTS

Mayor Brainard adjourned the meeting at 11:54 a.m.

ADJOURNMENT

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC

COMMON COUNCIL SPECIAL MEETING MINUTES

MONDAY, MARCH 27, 2006 – 8:00 A.M.
COUNCIL CHAMBERS / CITY HALL / ONE CIVIC SQUARE

MEMBERS PRESENT:

Council President Richard L. Sharp, Council Members Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser and Deputy Clerk-Treasurer Cindy Sheeks.

Mayor James Brainard, Council Members Kevin Kirby, Ronald E. Carter, Mark Rattermann and Clerk-Treasurer Diana L. Cordray were absent.

Council President Sharp called the meeting to order at 8:03 a.m.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of \$1,105,531.35. Councilor Glaser seconded. Council President Sharp called for the question. Claims were approved 4-0.

Councilor Mayo made a motion to approve the claims in the amount of \$40,340.10. Councilor Glaser seconded. Council President Sharp called for the question. Claims were approved 4-0.

EXECUTION OF DOCUMENTS

Council President Sharp adjourned the meeting at 8:04 a.m.

ADJOURNMENT

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC

1 **SPONSOR(s): Councilor(s) Kirby and Sharp**

2 **ORDINANCE D-1798-06**

3 AN ORDINANCE OF THE COMMON COUNCIL OF THE
4 CITY OF CARMEL, INDIANA, AUTHORIZING THE
5 ISSUANCE OF THE CITY OF CARMEL, INDIANA TAXABLE
6 ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES
7 2006 A (INDIANA DESIGN CENTER, LLC PROJECT), AND
8 THE LENDING OF THE PROCEEDS THEREOF TO INDIANA
9 DESIGN CENTER, LLC, AND AUTHORIZING AND
10 APPROVING OTHER ACTIONS IN RESPECT THERETO

11 WHEREAS, the City of Carmel, Indiana (the "City"), is a municipal corporation and
12 political subdivision of the State of Indiana and by virtue of I.C. 36-7-11.9 and I.C. 36-7-12
13 (collectively, the "Act"), is authorized and empowered to adopt this ordinance (this "Bond
14 Ordinance") and to carry out its provisions;

15 WHEREAS, Indiana Design Center, LLC (the "Borrower"), desires to finance the
16 construction of certain parking facilities and related improvements in or directly serving and
17 benefiting the CRC Parcel #12 Economic Development Area (collectively, the "Projects");

18 WHEREAS, the Borrower will complete the Projects for use in connection with its mixed
19 use retail and office development in or directly serving and benefiting the CRC Parcel #12
20 Allocation Area (the "Facilities");

21 WHEREAS, the Borrower has advised the City of Carmel Economic Development
22 Commission (the "Commission") and the City that it proposes that the City issue its Taxable
23 Economic Development Revenue Bonds, Series 2006 A (Indiana Design Center, Inc. Project) in
24 an amount not to exceed Four Million Dollars (\$4,000,000) (the "Bonds"), under the Act and
25 loan the proceeds of such Bonds to the Borrower for the purpose of financing the Projects;

26 WHEREAS, the completion of the Projects results in the diversification of industry, the
27 creation of approximately fifty (50) jobs and the creation of business opportunities in the City;

28 WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public
29 hearing (the "Public Hearing") on the proposed issuance of the Bonds to finance the Projects;

30 WHEREAS, on the date specified in the notice of the Public Hearing, the Commission
31 held the Public Hearing on the Projects and received uncontroverted evidence that there are no
32 facilities which are similar to the Projects and have already been constructed or operating in or
33 near the City; and

34 WHEREAS, the Commission has performed all actions required of it by the Act
35 preliminary to the adoption of this Bond Ordinance and has approved and forwarded to the
36 Common Council the forms of: (1) a Loan Agreement between the City and the Borrower
37 (including a form of Note) (the "Loan Agreement"); (2) a Trust Indenture between the City a
38 trustee to be selected by the Clerk-Treasurer of the City (the "Trustee") (the "Indenture"); (3) the

Bonds; and (4) this Bond Ordinance (the Loan Agreement, the Indenture, the Bonds, and this Bond Ordinance, collectively, the “Financing Agreements”);

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THAT:

Section 1. Findings; Public Benefits. The Common Council hereby finds and determines that the Projects involve the acquisition, construction and equipping of an “economic development facility” as that phrase is used in the Act; that the Projects will increase employment opportunities and increase diversification of economic development in the City, will improve and promote the economic stability, development and welfare in the City, will encourage and promote the expansion of industry, trade and commerce in the City and the location of other new industries in the City; that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is used in the Act) which will be required by the Project; and, therefore, that the financing of the Projects by the issue of the Bonds under the Act: (i) will be of benefit to the health and general welfare of the City; and (ii) complies with the Act.

Section 2. Approval of Financing. The proposed financing of the Projects by the issuance of the Bonds under the Act, in the form that such financing was approved by the City of Carmel Economic Development Commission, is hereby approved.

Section 3. Authorization of the Bonds. The issuance of the Bonds, payable solely from revenues and receipts derived from the Financing Agreements, is hereby authorized.

Section 4. Terms of the Bonds. (a) The Bonds, in the aggregate principal amount not to exceed Four Million Dollars (\$4,000,000), shall (i) be executed at or prior to the closing date by the manual or facsimile signatures of the Mayor and the Clerk-Treasurer of the City; (ii) be dated as of the date of their delivery; (iii) mature on a date not later than thirty years after the date of issuance; (iv) bear interest at such rates as determined with the purchaser thereof (the “Purchaser”); (v) be issuable in such denominations as set forth in the Financing Agreements; (vi) be issuable only in fully registered form; (vii) be subject to registration on the bond register as provided in the Indenture; (viii) be payable in lawful money of the United States of America; (ix) be payable at an office of the Trustee as provided in the Indenture; (x) be subject to optional redemption prior to maturity and subject to redemption as otherwise provided in the Financing Agreements; (xi) be issued in one or more series; and (xii) contain such other terms and provisions as may be provided in the Financing Agreements.

(b) The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City, but shall be special and limited obligations of the City, payable solely from revenues and other amounts derived from the Financing Agreements. Forms of the Financing Agreements are before this meeting and are by this reference incorporated in this Bond

1 Ordinance, and the Clerk-Treasurer of the City is hereby directed, in the name and on
2 behalf of the City, to insert them into the minutes of the Common Council and to keep
3 them on file.

4 Section 5. Sale of the Bonds. The Mayor and the Clerk-Treasurer of the City
5 are hereby authorized and directed, in the name and on behalf of the City, to sell the
6 Bonds to the Purchaser at such prices as are determined on the date of sale and approved
7 by the Mayor and the Clerk-Treasurer of the City.

8 Section 6. Execution and Delivery of Financing Agreements. The Mayor and
9 the Clerk-Treasurer of the City are hereby authorized and directed, in the name and on
10 behalf of the City, to execute or endorse and deliver the Loan Agreement, the Note from
11 the Borrower to the City, the Indenture, and the Bonds, submitted to the Common
12 Council, which are hereby approved in all respects.

13 Section 7. Changes in Financing Agreements. The Mayor and the Clerk-
14 Treasurer of the City are hereby authorized, in the name and on behalf of the City,
15 without further approval of the Common Council or the Commission, to approve such
16 changes in the Financing Agreements as may be permitted by Act, such approval to be
17 conclusively evidenced by their execution thereof.

18 Section 8. General. The Mayor and the Clerk-Treasurer of the City, and each
19 of them, are hereby authorized and directed, in the name and on behalf of the City, to
20 execute or endorse any and all agreements, documents and instruments, perform any and
21 all acts, approve any and all matters, and do any and all other things deemed by them, or
22 either of them, to be necessary or desirable in order to carry out and comply with the
23 intent, conditions and purposes of this Bond Ordinance (including the preambles hereto
24 and the documents mentioned herein), the Projects, the issuance and sale of the Bonds,
25 and the securing of the Bonds under the Financing Agreements, and any such execution,
26 endorsement, performance or doing of other things heretofore effected be, and hereby is,
27 ratified and approved.

28 Section 9. Binding Effect. The provisions of this Bond Ordinance and the
29 Financing Agreements shall constitute a binding contract between the City and the
30 holders of the Bonds, and after issuance of the Bonds this Bond Ordinance shall not be
31 repealed or amended in any respect which would adversely affect the rights of the holders
32 of the Bonds as long as the Bonds or interest thereon remains unpaid.

33 Section 10. Repeal. All ordinances or parts of ordinances in conflict herewith
34 are hereby repealed.

35 Section 11. Effective Date. This Bond Ordinance shall be in full force and
36 effect immediately upon adoption and compliance with I.C. § 36-4-6-14.

37 Section 12. Copies of Financing Agreements on File. Two copies of the
38 Financing Agreements incorporated into this Bond Ordinance were duly filed in the
39 office of the Clerk-Treasurer of the City, and are available for public inspection in
40 accordance with I.C. § 36-1-5-4.

1 **PASSED** by the Common Council of the City of Carmel, this ____ day of
2 _____, 2006, by a vote of ____ ayes and ____ nays.

3 **COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA**
4

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

5 **ATTEST:**

Diana L. Cordray, IAMC, Clerk-Treasurer

6 Presented by me to the Mayor of the City of Carmel this ____ day of _____, 2006,
7 at _____.M.

Diana L. Cordray, IAMC, Clerk-Treasurer

8
9 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
10 _____, 2006, at _____.M.

James Brainard, Mayor

11 **ATTEST:**

Diana L. Cordray, IAMC, Clerk-Treasurer of
the City of Carmel, Indiana

11 Prepared by: Bruce D. Donaldson
12 Barnes & Thornburg LLP
13 11 South Meridian Street
14 Indianapolis, IN 46204
15

INDS01 BDD 829225v1

RESOLUTION NO. EDC __-2006

A RESOLUTION APPROVING AND AUTHORIZING CERTAIN ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS

WHEREAS, the City of Carmel, Indiana (the “City”), is authorized by I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the “Act”) to issue revenue bonds for the financing of economic development facilities, and loan the proceeds of the revenue bond issue to another entity to finance or refinance the acquisition, construction, renovation, installation and equipping of said facilities;

WHEREAS, Indiana Design Center, LLC (the “Borrower”) desires to finance the construction certain parking facilities and related improvements in or directly serving and benefiting the CRC Parcel #12 Economic Development Area (the “Projects”);

WHEREAS, the Borrower will complete the Projects for use in connection with its mixed use retail and office development in or directly serving and benefiting the CRC Parcel #12 Allocation Area;

WHEREAS, the Borrower has advised the City of Carmel Economic Development Commission (the “Commission”) and the City that it proposes that the City issue its Taxable Economic Development Revenue Bonds, Series 2006 A, in an amount not to exceed Four Million Dollars (\$4,000,000) (the “Bonds”) under the Act and loan the proceeds of such Bonds to the Borrower for the purpose of financing the Projects;

WHEREAS, the Commission has studied the Projects and the proposed financing of the Projects and their effect on the health and general welfare of the City and its citizens;

WHEREAS, the completion of the Projects results in the diversification of industry, the creation of approximately fifty (50) new jobs and the creation and retention of business opportunities in the City;

WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Bonds to finance the Projects; and

WHEREAS, on the date hereof the Commission held the public hearing on the Projects and received uncontroverted evidence that there are no facilities which are similar to the Projects and have already been constructed or operating in or near the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CARMEL ECONOMIC DEVELOPMENT COMMISSION AS FOLLOWS:

SECTION 1. The Commission hereby finds, determines, ratifies and confirms that the diversification of industry, the retention of business opportunities and the retention of opportunities for gainful employment within the jurisdiction of the City is desirable, serves a public purpose, and is of benefit to the health and general welfare of the City; and that it is in the

public interest that the City take such action as it lawfully may to encourage the diversification of industry, the retention of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the City.

SECTION 2. The Commission hereby makes a finding of fact, based upon the uncontroverted evidence presented at the Public Hearing, that there are no facilities which are similar to the Projects and already constructed or operating in or near the City and, based upon such finding of fact, hereby determines that the Projects will not have, and have not had, an adverse competitive effect on any similar facilities already constructed or operating in or near the City.

SECTION 3. The Commission hereby approves the report with respect to the Projects presented at this meeting. The Secretary of this Commission shall submit such report to the executive director or chairman of the plan commission of the City.

SECTION 4. The Commission finds, determines, ratifies and confirms that the issuance and sale of the Bonds in an amount not to exceed Four Million Dollars (\$4,000,000), and the loan of the proceeds of the Bonds to the Borrower for the financing of the Projects will be of benefit to the health and general welfare of the City, will serve the public purposes referred to above in accordance with the Act, and fully comply with the Act.

SECTION 5. The financing of the Projects through the issuance of the Bonds, in an amount not to exceed Four Million Dollars (\$4,000,000), is hereby approved.

SECTION 6. The Commission hereby approves the terms of the following documents in the form presented at this meeting: (i) a Loan Agreement (including a form of Note) between the City and the Borrower; (ii) a Trust Indenture, between the City and a trustee to be selected by the Clerk-Treasurer of the City (the "Trustee"); (iii) the Bonds; and (iv) an Ordinance of the Common Council of the City.

SECTION 7. Any officer of the Commission is hereby authorized and directed, in the name and on behalf of the Commission, to execute any and all other agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by him to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this resolution (including the preambles hereto and the documents mentioned herein), the Projects and the issuance and sale of the Bonds, and any such execution, performance, approval or doing of other things heretofore effected be, and hereby is, ratified and approved.

SECTION 8. The Secretary of this Commission shall transmit this resolution, together with the forms of the documents approved by this resolution, to the Common Council of the City.

SECTION 9. This resolution shall be in full force and effect upon adoption.

Adopted this 20th day of March, 2006.

CITY OF CARMEL ECONOMIC
DEVELOPMENT COMMISSION

Ersal Ozdemir, President

Michael J. Rusnak, Vice President

Luci Snyder, Secretary

**REPORT OF THE CITY OF CARMEL
ECONOMIC DEVELOPMENT COMMISSION CONCERNING
THE PROPOSED FINANCING OF ECONOMIC DEVELOPMENT
FACILITIES FOR INDIANA DESIGN CENTER, LLC**

The City of Carmel Economic Development Commission (the "Commission") proposes to recommend to the Common Council of the City of Carmel, Indiana (the "City"), that it loan the proceeds of certain taxable economic development revenue bonds to Indiana Design Center, LLC (the "Applicant") for the financing of certain economic development facilities in the City.

In connection therewith, the Commission hereby reports as follows:

A. The proposed economic development facilities consist of the construction of parking facilities and related facilities to support the Applicant's mixed use retail and office development in or directly serving and benefiting the CRC Parcel #12 Economic Development Area (the "Projects").

B. The Commission estimates that no public works or services, including public ways, schools, water, sewer, street lights and fire protection, will be made necessary or desirable by the Projects, because any such works or services already exist or will be provided by the Applicant or other parties.

C. The Commission estimates that the total costs of financing the Projects will be approximately \$4,000,000.

D. The Commission estimates that the Projects will create approximately 50 jobs with an annual payroll of approximately \$2,000,000.

E. There are no facilities similar to the Projects that are already constructed or operating in the City, and consequently, the Projects will have no adverse competitive effect on similar facilities already constructed or operating in the City of Carmel, Indiana.

Adopted this 20th day of March, 2006.

Secretary, City of Carmel
Economic Development Commission

Attest:

President, City of Carmel
Economic Development Commission

ORDINANCE D-1799-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
PERTAINING TO BIDDING ON CERTAIN PUBLIC WORKS PROJECTS**

WHEREAS, the City is authorized to enter into contracts for the construction, alteration and renovation of public buildings and structures that are paid for out of public funds; and

WHEREAS, Indiana Code 36-1-12 does not regulate City public works projects of less than Fifty Thousand Dollars (\$50,000.00) in value; and

WHEREAS, several recent public works projects with values of less than Fifty Thousand Dollars (\$50,000.00) have been awarded to persons who are City employees, which has been viewed by some members of the public as suggesting that City employees have an unfair advantage in seeking such projects; and

WHEREAS, although the Common Council has no knowledge nor belief that any City employee has actually obtained any advantage in seeking any City public works project, it is very important that the public's trust not be diminished by even the suggestion of impropriety regarding the awarding of such projects; and

WHEREAS, to ensure that the public appearance, as well as the actuality, of impartiality is present in the awarding of all City public works projects, it is proper to now prohibit any full-time City employee, as well as any member of such employee's immediate family, from being eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars (\$50,000.00) and paid primarily or wholly out of public funds.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 2, Article 5, Section 2-183 should be and the same is hereby adopted and added to the Carmel City Code and shall read as follows:

"Sec. 2-183 Immediate Family Bidding Restriction On Public Works Projects.

- a. No full-time employee of the City, nor such person's spouse, nor anyone within the first degree of consanguinity of such person or of such person's spouse (e.g., within one degree of relationship by blood or marriage) shall be eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars (\$50,000.00), eighty percent (80%) or more of which is paid out of public funds.

Page One of Three Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

- b. Any quote or other proposal received by the City in violation of this Section shall be deemed null and void and shall not be considered when awarding the public works project contract to which it relates."

Section 3. The remaining provisions of Carmel City Code Chapter 2, Article 5, are not affected by this Ordinance and remain in full force and effect.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor pursuant to Indiana law.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1799-06

Page Two of Three Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

Presented by me to the Mayor of the City of Carmel, Indiana, this _____ day of _____,
2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____
2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1799-06
Page Three of Three Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

ORDINANCE D-1801-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AUTHORIZING THE ACCEPTANCE OF UTILITY PAYMENTS MADE BY CREDIT CARD**

WHEREAS, Indiana Code 36-1-8-11 permits the fiscal body of a political subdivision to authorize the acceptance of "credit card" payments for amounts due and owing to its municipally owned utility; and

WHEREAS, it is in the best interests of the City and the public to provide Carmel Utility customers with the option of utilizing this convenient method of payment.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. That Chapter 9, Article 5, Section 9-217 should be and the same is hereby approved, adopted and made part of the Carmel City Code and shall read as follows:

"Sec. 9-217. Payments By Credit Card.

(a) The Utilities Department is authorized to accept payments for its water and sewer services by credit card under and pursuant to the procedures set forth in Indiana Code 36-1-8-11, as the same may be amended from time to time.

(b) If there is a charge to the Utilities Department for the use of a credit card to make such payments, the Utilities Department may collect a sum equal to the amount of the charge from the person using the credit card.

(c) The Utilities Department shall apply the same uniform procedures for all payments made by credit card."

Section 3. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 4. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1801-06
Page Two of Two Pages

ORDINANCE Z-489-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, REZONING DISTRICT CLASSIFICATION**

Rezoning the property located southwest of the intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian/Mixed Use (OM/MU) Classification.

WHEREAS, pursuant to Indiana Code 36-7-4, the Common Council has lawfully adopted a zoning ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the City of Carmel, Indiana, and the unincorporated area of Clay Township, Hamilton County, Indiana, which zoning ordinance has been modified in Chapter 10 of the Carmel City Code; and

WHEREAS, pursuant to Indiana Code 36-7-5-602 the Common Council is authorized to amend the map that is part of the zoning ordinance; and

WHEREAS, the Carmel/Clay Plan Commission has favorably recommended the rezoning of the Real Estate, the legal description of which is attached hereto and incorporated herein by reference as Exhibit A (hereafter, the "Real Estate");

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. That the Official Zoning Map accompanying and made part of the Zoning Ordinance is hereby changed to designate the Real Estate from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to Old Meridian/Mixed Use (OM/MU).

Section 2. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from the and after its passage and signing by the Mayor.

Ordinance No. Z-489-06 **PASSED** by the Common Council of the City of Carmel, Indiana this _____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2
3
4 _____
5 Presiding Officer

Joseph C. Griffiths

6
7 _____
8 Richard L. Sharp, President Pro Tempore

Kevin Kirby

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10 _____
11 Ronald E. Carter

Brian D. Mayo

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13 _____
14 Fredrick J. Glaser

Mark Rattermann

15 ATTEST:

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18 _____
19 Diana L. Cordray, IAMC, Clerk Treasurer

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21
22 Presented by me to the Mayor of the City of Carmel, Indiana the ____ day of
23 _____, 2006, at _____ o'clock ____M.

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27 _____
28 Diana L. Cordray, IAMC, Clerk Treasurer

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31 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of
32 _____, 2006, at _____ o'clock ____M.

33
34
35 _____
36 James Brainard, Mayor

37 ATTEST:

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40 _____
41 Diana L. Cordray, IAMC, Clerk Treasurer

42
43 This Instrument prepared by: Lawrence J. Kemper
44 NELSON & FRANKENBERGER
45 3105 East 98th Street, Suite 170
46 Indianapolis, IN 46280

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EXHIBIT "A"

A part of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 1036.75 feet to the Northwest corner of the real estate described in Instrument No. 1997-32968 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 18 minutes 29 seconds East along the West line of said real estate 279.88 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 08 minutes 21 seconds East parallel with the aforesaid North line 816.39 feet to the centerline of Old Meridian (formerly U.S. Highway 31); thence South 35 degrees 39 minutes 16 seconds West along said centerline 165.27 feet to a point South 35 degrees 39 minutes 16 seconds West 513.50 feet from the intersection of the centerline of Old Meridian and the North line of said Quarter Section; thence South 88 degrees 50 minutes 36 seconds West 374.71 feet; thence South 35 degrees 39 minutes 16 seconds West parallel with the centerline of Old Meridian Street 586.85 feet; thence North 00 degrees 18 minutes 29 seconds West 606.44 feet to the place of beginning, containing 4.231 acres, more or less.

AND

A part of the North Half of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 879.25 feet and the POINT OF BEGINNING of this description; thence South 00 degrees 18 minutes 29 seconds East 279.88 feet the Northeast corner of real estate described in Instrument Number 1996-26849 (Parcel I) in the Office of the Recorder, Hamilton County, Indiana; thence South 89 degrees 08 minutes 21 seconds West along said North line 157.50 feet; thence North 00 degrees 18 minutes 29 seconds West 279.88 feet to a point on the North line of said Quarter Section; thence North 89 degrees 08 minutes 21 seconds East along said North line 157.50 feet to the place of beginning, containing 1.012 acres, more or less.

AND

Part of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 675.75 feet and the POINT OF BEGINNING of this description; thence South 00 degrees 18 minutes 29 seconds East 279.88 feet to the North line of real estate described in Instrument Number 1996-26854 in the Office of the Recorder, Hamilton County, Indiana; thence South 89 degrees 08 minutes 21 seconds West along said North line 203.50 feet to the Northwest corner of said real estate; thence North 00 degrees 18 minutes 29 seconds West 279.88 feet to a point on the North line of said Quarter Section; thence North 89 degrees 08 minutes 21 seconds East along said North line 203.50 feet to the place of beginning, containing 1.307 acres, more or less.

ORDINANCE Z-488-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA**

An Ordinance Amending the Schedule of Uses of the Carmel Zoning Ordinance

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the “Comprehensive Plan”) Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning and Subdivision Control Ordinances are incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. 06030009 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, March 21, 2006, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended), as amended, to read as follows:

Section I:

ZO APPENDIX A: SCHEDULE OF USES

(see attached *Exhibit A*)

Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

APPENDIX A: SCHEDULE OF USES

P = Permitted

A = Accessory

"Blank" = Prohibited

SU = Special Use

SE = Special Exception

E = Excluded Use

	Primary Zoning Districts																		Old Meridian Zones								Overlay Zones											
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line		
Residential Uses																																						
Single Family Dwelling	P	P	P	P	P	P	P				P	P					P	P	P		P											E	E					
Two Family Dwelling					P	P					P	P					P	P	P													E	E					
Multiple Family Dwelling						SU	P			P	SU		P					P	P	P			P		P							E						
Accessory Dwelling																P	P	P	P			P			P													
Mobile Home Court						SU																									E	E	E	E	E			
Attached Dwelling																		P	P			P			P													
Home Occupation	A	A	A	A	A	A	A			A	A	A	A				A	A	A		A	A	A	A	A													
Residential Kennel	A	A	A	A	A	A	A			A	A	A	A				A	A	A		P	A	A	A	A													
Bed & Breakfast Inn																								P	P			P				E						
Model Home	P	P	P	P	P	P	P											P	P													E	E					
Guest House	A	A	A	A	A	A												A	A																			
Bona Fide Servants Quarters	A	A	A	A	A	A												A	A																			
Boarding or Lodging House					SU	SU		SU	SU	SU	SU																					E	E					
Nursing/Retirement/Convalescent Facility					SU	SU		P	P	P	SU	P	P	P										P	P		P	P	P									
Private Swimming Pool, etc.	A	A	A	A	A	A	A				A	A						A	A																			
Office Uses																																						
Clinic or Medical Health Center	SU	SU	SU	SU	SU	SU		P	P	P	P	P	P	SU	P									P	P	P		P	P									
Research Laboratory / Facility								P	P	P	P	P			P		P								P	P	P	P		P								
General Offices							SU	P	P	P	P	P	P	P	P	A	P	P	P					P	P	P		P										
Professional Office							SU	P	P	P	P	P	P	P	P	SU	P	P	P					P	P	P		P	P									
Hospice																														P								
Training Facility																									P				P									

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	Primary Zoning Districts																	Old Meridian Zones								Overlay Zones												
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line		
Institutional Uses																																						
Church/Temple/Place of Worship	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	SU						SU	SU			P	P		P	P				E						
Hospital								P	P	P	SU	P									SU	SU				P	P		P									
Surgery Center																													P									
Urgent Care																													P									
Rehabilitation Facility																													P									
Physical/Occupational Therapy																													P									
Library	SU	SU	SU	SU	SU	SU		SU	SU	SU				SU													P											
Penal or Correctional Institution									SU						SU	SU							E	E	E	E	E	E	E	E	E	E	E	E	E	E		
Post Office								P	P	P	P	P		P											P	P			P									
Power Generating Plant																	SU															E	E	E	E	E		
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P									
Commercial Sewage or Garbage Disposal Plant															SU	SU															E	E	E	E	E			
Water Management & Use Facility	SU	SU	SU	SU	SU	SU	SU				SU		P	SU							SU																	
Educational Uses																																						
School, Trade or Business								P	P	SU	SU	P	P	SU	P		P								P	P	P	P	P									
College or University	SU	SU						SU	SU	SU	SU	P												P	P		P	P										
Day Nursery/Day Care									P	P		SU	P	SU								SU			P	P			P	P								
Kindergarten/Preschool	SU	SU	SU	SU	SU	SU		SU	P	P	SU		P											P	P			P										
School of General Elementary or Secondary Education	SU	SU	SU	SU	SU	SU					SU										SU						P					E						

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	Primary Zoning Districts																			Old Meridian Zones								Overlay Zones											
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carme Dr - Range Line			
Retail & Service Uses																																							
General Retail Sales							SU	P	P	P	P	SU	P	P	P	A	P	P	P					P	P			P	P										
Lumber/Building Materials Sales(enclosed)								P	P	P		P			P																E	E		E	E				
General Service								P	P	P	P		P	P	P			P	P					P	P			P	P										
Automobile Service Station								P	P	P		P		P	P														P	P			E						
Automobile/Boat Sales								P	P	P		P			P								E	E	E	E	E	E	E	E	E		E			E	E		
Automobile/Truck Repair (indoor)								P	P	P		SU			P													E			E	E							
Manufactured Housing Sales															P								E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		
Café																													P										
Delicatessen																													P										
Coffee Shop																													P										
Car Wash								P	P	P				P	P																		E						
Commercial Kennel								P	P	P					P	P					SU										E	E			E				
Dry Cleaning Establishment (with on-site plant)								P	P	P				P	P																E	E							
Dry Cleaning Establishment (without on-site plant)								SU	P	P			P	P	P									P	P			P				E	E						
Equipment Sales/Repair (indoor)								P	P	P		P			P	SU															E	E							
Financial Institution								P	P	P	P	P	P	P	P				P	P				P	P			P	P										
Automated Teller Machine (ATM)							A	A	A	A	A	A	A	A	P			A	A					P	P			P											
Food Stand																								P	P			P			E	E							
Funeral Home/Mortuary/Crematory								P	P	P	SU	P			SU	P											P				E	E							
Recreational Vehicle/Mobile Home Sales								P	P	P					P							E	E	E	E	E	E	E	E	E	E	E	E	E	E	E			
Roadside Sales Stand								P	P	P		SU									SU										E	E	E		E				
Self-Service Laundry								P	P	P					P	P															E	E							
Sexually Oriented Business																	SU					E	E	E	E	E	E	E	E	E	E	E	E	E	E	E			
Veterinary Hospital with commercial kennel								P	P	P		SU			P						SU							P			E	E			E				
Veterinary Hospital without commercial kennel								P	P	P	P	P			P						SU				P	P					E	E							
Wholesale Sales								SU	P	P			P	P	P	SU	P	P													E								

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	Primary Zoning Districts																			Old Meridian Zones								Overlay Zones											
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line			
Cultural / Entertainment Uses																																							
Art Gallery								P	P	P			P	P	P									P	P			P											
Art & Music Center								P	P	P			P	P	P			P						P	P			P											
Carnivals, Fairs, Circuses, etc.								P	P	P					SU	P																E	E						
Hotel								SU	SU	SU		P			P				P						P				P				E						
Hotel (Full Service)								SU	SU	SU		P			P				P						P														
Indoor Theater								P	P	P		P		P	P				P					P	P			P					E						
Outdoor Theater									SU						P				P														E	E					
Catering Establishment								P	P	P					P	P																							
Restaurant, without drive-thru food sales								P	P	P		P	P	P	P		P	P	P					P	P			P											
Restaurant, with walk-up/drive-thru food sales								P	P	P		SU		P	P								E	E	E	E	E	E	E	E	E		E				E		
Meeting or Party Hall								P	P	P		P		P	P									P	P			P											
Museum															P			P		SU							P												
Stadium or Coliseum												P			P																								
Tavern/Night Club								P	P	P		P		P	P									P	P			P				E							
Industrial Uses																																							
Borrow Pit/Top Soil Removal & Storage	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU			SU																						E	E		
Heavy Industrial															P	SU							E	E	E	E	E	E	E	E	E	E	E		E	E	E		
Sanitary Landfill, Junk Yard, Slavage Yard										SU					SU	SU															E	E	E	E	E	E	E		
Light Industrial								SU	P						P																E	E				E	E		
Storage and/or Warehousing, Indoor								SU	P						P	P	P													E	E				E	E			
Storage and/or Warehousing, Outdoor								SU							P	SU							E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		
Storage or Sale of Petroleum Products								SU	P	P					P	E	E														E	E				E			
Coke Ovens/Brick Yards/Kilns/Open Hearth/Blast Furnace															P	SU							E	E	E	E	E	E	E	E						E			
Light Manufacturing															P	P	P															E					E		
Mineral/Sand/Gravel Extraction Operations	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU			SU		SU																E	E			E	E		
Printing/Publishing Establishment									SU	P	P		SU		P	P	P																				E		
Storage/Distribution Facility									SU	P					P	SU	SU															E					E		
Wholesaling Facility															P	SU	P														E	E					E		
Heavy Manufacturing																E	E						E	E	E	E	E	E	E	E	E	E	E	E	E	E	E		

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	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line		
Agricultural Uses																																						
Commercial Greenhouse	SU	SU											SU			P	P	SU				SU										E	E		E			
Raising/Breeding of Non-Farm or Exotic Animals	SU																				SU										E	E	E	E	E			
Feed Store								SU	P													SU									E	E	E	E				
Plant Nursery	SU	SU						SU	P	P		SU									SU										E	E	E	E				
Grain Elevator								SU	P														E	E	E	E	E	E	E	E	E	E	E	E	E			
General Agriculture (Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P																	
Horse Farm																					P																	
Recreational																																						
Commercial Recreational Facility, Indoor								P	P	P		P			P	P			P					P	P	P	P	P				E	E					
Commercial Recreational Facility, Outdoor								SU	SU	SU				SU					P											E	E	E	E					
Community Center																			P								P											
Country Club	SU	SU	SU	SU	SU	SU				P										P	SU											E						
Golf Course	SU	SU	SU	SU	SU	SU				P	SU									P	SU											E						
Health/Fitness Facility																														P								
Private Club or Lodge								P	P	P				SU										P	P		P	P				E						
Private Recreational Facility	SU	SU	SU	SU	SU	SU	P	SU	SU	SU	SU			SU							SU		P									E						
Riding Stable	SU	SU																														E						
Park, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P									
Shooting Gallery								P	P	P				P								E	E	E	E	E	E	E	E	E								
Miscellaneous																																						
Artificial Lake or Pond (non-platted)	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU			SU	SU	SU	SU				SU	SU																
Cemetery	SU	SU	SU	SU	SU	SU		SU	SU	SU	SU										SU	SU									E							
Commeerial Parking Lot								P	P	P	SU	P		P	P																							
Historic Site																				P																		

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	Primary Zoning Districts																		Old Meridian Zones								Overlay Zones											
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line		
Temporary Uses																																						
Construction Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Display, Outdoor								A	A	A	A				A	A								A	A			A				E	E					
Model Home	P	P	P	P	P	P	P												P	P										E	E	E						
Sales, Outdoor								A	A	A	A				A	A								A	A			A				E	E	E				
Sales, Seasonal Outdoor								P	P	P					P	P								P	P			P		E	E	E						
Special Event, Outdoor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Transportation & Communication Uses																																						
Antenna ⁴	SU	SU	SU	SU	SU	SU	SU														P	SU																
Collocated Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P									
Radio and/or Television Studio								P	P	P	SU	P		P																								
Radio/Television Transmission Antenna ³										SU	SU	SU	SU	SU	SU	SU	SU			SE																		
Radio/Television Transmission Tower	SU	SU						SU	P	P										SE	SE											E						
Tower								SU	SU	SU	SU	SU	SU	SU	SU	SU	SU															E						
Wireless Telecommunications Antenna ¹											P	P	P		P		P					P	P	P	P	P	P	P	P	P								
Wireless Telecommunications Service Tower ²	SE	SE	SE	SE	SE	SE	SE													SE	SE										E							
Motor Bus or Railroad Passenger Station								P	P	P	SU	P		P																								
Private Airplane Landing/Service Facility																	SU	SU				SU								E	E	E	E	E				
Private Helicopter Landing/Service Facility																	SU	SU				SU						P						E				
Commercial Parking Lot								P	P	P	SU	P		P	P																							
Private Parking Area					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A								
Truck Stop																														E	E	E						

¹ if visually integrated with or camouflaged on or within another structure (such as achimney stack, church spire, light standard, monument, penthouse, power line support device, or water tower), or if collocated on an existing or previously approved tower; ² monopole-type construction only; ³ if mounted on another structure; ⁴ if visually integrated with or camouflaged on or within a structure other than a tower (such as a chimney stack, church spire, light standard, monument, power line support, or water tower)

1 **Ordinance Z-488-06 PASSED** by the Common Council of the City of Carmel, Indiana
2 this ____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

3
4 **COMMON COUNCIL FOR THE CITY OF CARMEL**
5

6
7
8 _____
9 Presiding Officer

Joseph C. Griffiths

10
11 _____
12 Richard L. Sharp, President Pro Tempore

Kevin Kirby

13
14 _____
15 Ronald E. Carter

Brian D. Mayo

16
17 _____
18 Fredrick J. Glaser

Mark Rattermann

19
20 ATTEST:
21

22
23 _____
24 Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-488-06 Presented by me to the Mayor of the City of Carmel, Indiana this _____ day of _____, 2006, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-488-06 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: John R. Molitor
Carmel Plan Commission Attorney
One Civic Square
Carmel, IN 46032

ORDINANCE D-1802-06**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 2, ARTICLE 3, DIVISION II, SECTION 2-62
OF THE CARMEL CITY CODE**

WHEREAS, the City and its employees are authorized to use credit cards in the performance of official City business; and

WHEREAS, it is appropriate and in the best interests of the City to now amend and restate the procedures to be followed when using City credit cards so as to better ensure the proper, efficient and verifiable use thereof.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 2, Article 3, Division II, Section 2-62 of the Carmel City Code should be and the same is hereby amended to read as follows:

"Sec. 2-62. Procedure For Use of City Credit Cards.

(a) The City is empowered to hold and maintain credit cards for the use of its employees and Common Council members.

(b) All credit cards shall be applied for, held, maintained and monitored by the Mayor or his designee.

(c) The Mayor shall be responsible for maintaining written guidelines regarding the use of credit cards that are not inconsistent with this Section.

(d) Whenever it is no longer necessary or prudent for a City employee to use a credit card in the performance of official City business, or immediately upon demand by the Mayor or his designee, such employee shall return the credit card to the Mayor or his designee.

(e) After each credit card use, the City employee who uses the credit card shall submit to the Mayor, or his designee, proper detailed documentation evidencing such use.

(f) All claims for payment to the State Board of Accounts must be properly itemized and documented. Improperly itemized or documented charges, as well as all interest, carrying charges and/or penalties, shall be the personal responsibility of the credit card user.

(g) The Mayor, or his designee, shall ensure that a proper accounting system or log is maintained on all City credit card usage. This system or log shall include, at a minimum, the dates of credit card use, the identity of the users, the amounts and account numbers charged, and the dates of credit card issuance and return. City credit cards shall not be used to bypass the City's accounting system.

(h) The City is authorized to pay the annual fees, if any, associated with credit cards it issues to its employees and Common Council members pursuant to this Section.

(i) City credit cards shall be used for City business only."

Section 3. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 4. If any portion of this Ordinance is declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining portions of same.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor and such publication as is required by law.

PASSED by the Common Council of the City of Carmel, Indiana, this _____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1802-06

Page Two of Three Pages

Presented by me to the Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1802-06
Page Three of Three Pages

ORDINANCE D-1804-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 6, ARTICLE 4, SECTION 6-66
OF THE CARMEL CITY CODE**

WHEREAS, the Common Council is empowered to enact ordinances designed to protect public property from vandalism, damage and destruction; and

WHEREAS, public property owned by the Carmel Redevelopment Commission has recently been damaged by skateboards and similar wheeled toy vehicles and devices; and

WHEREAS, prohibiting the use of skateboards and similar wheeled toy vehicles and devices on Carmel Redevelopment Commission property is in the best interests of public safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: Chapter 6, Article 4, Section 6-66 of the City Code should be and the same is hereby amended to include subsection (a)(3), which shall read as follows:

"(a)(3) Any property owned by the Carmel Redevelopment Commission and located within the City's corporate boundaries."

Section 3. The remaining provisions of City Code Section 6-66 are not affected by the above amendments and remain in full force and effect according to their terms.

Section 4. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1804-06
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